

June 18, 1971

CONGRESSIONAL RECORD — HOUSE

H 5403

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: Page 7, line 4, before the quotation marks insert the following new sentence: "Nothing in clause (A) or (B) of the first sentence of this paragraph or in the immediately preceding sentence shall be construed to authorize the use of any of such funds by the Central Intelligence Agency (or by any agency or person operating on behalf of the Central Intelligence Agency) to engage, in any manner or to any extent, in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any operation of the kind commonly called 'guerrilla warfare' operation) which will be executed by forces composed in whole or in part of (i) mercenaries, (ii) regular or irregular personnel of any armed force of any foreign nation or area, or (iii) personnel other than those listed in clause (i) or (ii) who are under arms and are indigenous to any foreign country or area."

Mr. BADILLO. Mr. Chairman, this is a very specific amendment limiting the activities of the Central Intelligence Agency to the gathering of intelligence, and specifically prohibiting the Central Intelligence Agency from conducting guerrilla operations in Southeast Asia. The necessity for the amendment arises because the enabling act which created the Central Intelligence Agency provides that the CIA may perform "such other functions and duties related to intelligence and affecting national security as the National Security Council may from time to time direct."

There has been clear evidence from news accounts over the years, which I am sure all of you have read, that the Central Intelligence Agency is conducting guerrilla operations in Laos and Cambodia. This last week, as you know, the Senate had a secret session involving our activities in Laos and Senator SYMINGTON in the CONGRESSIONAL RECORD indicated as follows:

In the case of Laos one is unable to cite a figure for the total cost of this war to the United States. First, because what the United States is doing, and the cost of what we are doing, continues to be cloaked with official secrecy by the executive branch. Second, one cannot cite a figure for the total cost to us of the war in Laos because, it must be said in all frankness, neither you, nor I, nor any other Member of Congress is in position to know what those costs actually are.

Yesterday, my colleague the gentleman from California (Mr. WALDIE), questioned the chairman of the committee as to whether this bill specifically included funds for the Central Intelligence Agency, and the chairman answered that it does. The chairman also refused to say what the amounts were and said that only he and the ranking minority member of the committee knew.

The gentleman from California (Mr. WALDIE) also asked the chairman as follows:

What is the purpose of the CIA activity in Laos?

The chairman answered as follows:

Mr. HEBERT. The activity of the CIA in all sections of the world, in Laos, the Middle

East and everywhere is the gathering of intelligence for the protection and security of the United States.

If that is the understanding of the activities of the CIA by the chairman, then he should be in support of this amendment, because all I am saying is that that should be precisely the activity of the Central Intelligence Agency, to gather information, and not to engage in guerrilla activities. But because we do not know exactly what funds are available either in this body or in the Senate, and we do not know exactly to what purpose they are being put, this amendment is prepared so that we can be sure that the activities are limited.

I seek only to insure that the activities of the Central Intelligence Agency be limited to those specified in the law, and that is to the gathering of intelligence. Certainly after the recent disclosures it becomes all the more important that we insure that the agencies of the executive department comply with the mandates of the Congress.

Even before the New York Times published parts of the Pentagon study of our involvement in the Vietnam war, it had become apparent that the CIA had literally been running the entire military operation in Laos, including the hiring, training, and leading of a mercenary army of Thais and Meo tribesmen and the tactical control of an air war which has made the Laotian people refugees in their own land.

As early as 1964, the CIA recruited Thai pilots to fly planes with markings of the Royal Laotian Government against Communist forces in Laos and there is evidence these Thai pilots are still flying missions in Laos, under CIA control and supervision. Reliable estimates given recently to the Senate indicate that the CIA currently is paying about 5,000 Thais to fight in Laos.

Enactment of this amendment is necessary if Congress is to regain some measure of meaningful control and oversight in the field of foreign affairs. Regardless of how individual Members might feel about the recent articles in the New York Times, it is clear that the nature and extent of our involvement in Southeast Asia has repeatedly been hidden from and misrepresented to the American people and their elected Representatives. I strongly suspect that the pattern of subterfuge and outright misrepresentation continues. This amendment represents a step toward squaring with the American people. I urge its adoption.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for a question?

Mr. BADILLO. I yield to the gentleman from California.

Mr. LEGGETT. Would the amendment preclude the CIA from supporting such things as have been reported in national magazines, such as the pay for personnel in the Saigon Police Force, which police force is being used, of course, for campaign purposes to support the Thieu government in Southeast Asia?

Mr. BADILLO. Yes it would, because it would seek to limit the Central Intelligence Agency to the gathering of intelligence and to its functions as approved

by the Congress. Specifically it excludes the support of activities commonly called guerrilla warfare, support of mercenaries, support of regular or irregular personnel of any armed forces of any foreign nation or area within Southeast Asia.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the precision with which the gentleman has formulated this amendment. I believe it is an exceedingly important one. I applaud his courage and support him.

Mr. BADILLO. I thank the gentleman very much.

(Mr. BADILLO asked and was given permission to revise and extend his remarks.)

Mr. HEBERT. Mr. Chairman, I rise in opposition to the amendment.

The gentleman's amendment seeks to place a restriction upon the use of any funds authorized in this proposed act for military or paramilitary operations in Southeast Asia organized or supervised by the Central Intelligence Agency.

The Central Intelligence Agency was established by the National Security Act. It functions under the National Security Council under the President of the United States. It initiates no activities of its own without direction from the President and/or the National Security Council.

I do not propose to debate on the floor of the House the activities or functions of the Central Intelligence Agency. I will state categorically that the intelligence activities conducted by our Government are essential to the security of this Nation.

The amendment offered by the gentleman from New York, as I read it, seeks to prohibit the Central Intelligence Agency from organizing, supervising, or conducting any so-called military or paramilitary operation of any kind in Southeast Asia which would be executed by mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, or any other personnel of a foreign nation. I will not go into the ramifications of such a restriction should it be enacted. I will merely tell the House that in my opinion, as well meaning as this amendment may be, it is very dangerous to the security of our country. Secrecy is one of the prices we must pay for survival. Today, there seems to be a penchant for exposing Government secrets which wittingly or unwittingly give aid and comfort to the enemy.

The amendment offered by the gentleman from New York would seriously restrict our intelligence activities in Southeast Asia and would certainly most seriously affect, and perhaps even prevent, the further withdrawal of U.S. troops from Vietnam.

I am not going to expand upon my statement any further.

I urge the House to overwhelmingly defeat this amendment.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. WALDIE asked and was given permission to revise and extend his remarks.)

Mr. WALDIE. Mr. Chairman, and particularly the distinguished and personally deeply respected chairman of the Committee on Armed Services, I have no belief that this amendment will be adopted. The very existence of the amendment, though, I think tells you something about the troublesome nature of the CIA activities and the attitude of many Members of the Congress of the United States toward those activities.

I have been told all sorts of stories about the activities of the Central Intelligence Agency. I doubt that very many of those stories are credible or true. The fact remains, though, that nobody can rebut those stories, because everybody is confronted, when a rebuttal is sought, with the statement that the chairman just made; namely, that he is not at liberty to go into the activities of the CIA.

As a Member of this Congress, I have already begun to lose great faith, which I previously had, in Presidents of the United States and their ability to always act in the best interests of this country in all instances in which they have power. I really believe that the only check upon Presidents is the constitutional powers that are provided with oversight on the part of the Congress.

I have attempted to find over the past month what oversight of the activities—operational activities, but not the intelligence gathering activities of the Central Intelligence Agency, is, in fact, implemented in the House of Representatives.

Yesterday was the first indication I had of two people that apparently exercise some oversight, the distinguished chairman of the Committee on Armed Services, and the ranking minority member of the Armed Services Committee.

I have heard of other Members who are involved in oversight. Those people are privy to information that every Member of Congress ought to have.

Mr. Chairman, I do not want this country to be confronted with another CIA-conducted "Bay of Pigs" invasion again. That decision was made as an Executive decision based upon information that was so classified it was not even recorded in any record, and then classified. There is no possibility of this Congress determining whether an Executive decision which would involve this country in a major war is a correct decision. Congress ought to have some oversight upon and resulting responsibility for those sensitive, enormous questions of national policy.

The CIA acts under the strictest, most absolute secrecy, a policy which subjects it and its activities to all kinds of rumors that are very exaggerated, I hope, beyond that which, in fact, is truth.

Your assurances, Mr. Chairman, that this amendment is very critical to our country impressed me. They would impress me far more if you could tell me why that has to be the case.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Michigan.

Mr. CONYERS. I commend the gentleman for his statement. However, there is a question that remains unanswered

by the chairman of this committee with reference to the proposal of this amendment, and that is the gentleman from New York quoted the chairman and said that he described the activities of the CIA as intelligence gathering exclusively.

Now, I understand from the implications of the chairman's remarks that the CIA functions go far beyond that.

If I am not correct, I would like to stand corrected at this point. There is this vital difference and I think this body is entitled to have that difference resolved.

Mr. WALDIE. I yield to the gentleman from Louisiana for his response to the question. I know the response is affirmative, because the gentleman said yesterday they were solely engaged in such activities.

Mr. HEBERT. Mr. Chairman, if the gentleman will yield, I would answer the gentleman from Michigan in this fashion: The moving finger writes, and having writ, moves on. The record stands for what I said yesterday and what I said today.

Mr. WALDIE. Now, Mr. Chairman, you are again emphasizing the points that I am attempting to make.

I intend to ask the chairman of the Appropriations Committee whom I also mysteriously understand has something to do with oversight of the CIA, certain questions when future appropriations bills are being considered. Every single appropriation bill brought up on this floor from now on, whether it be Agriculture, Armed Services, or Foreign Aid, I am going to ask him if there are CIA funds included in that appropriation bill.

I would also hope that the Speaker of the House would disclose to the Members of the House what Members in this body act as the Oversight Committee of the CIA, and permit me and my equally less favored colleagues to judge the Members acting in this capacity, and determine whether I want to entrust my responsibility as a Member of Congress to them in this sensitive area. I want to be convinced that the operational activities of the CIA, in fact, do not jeopardize this country. I am not fully convinced that that is so.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I rise in support of this amendment, and I wish to state to the Members of this body that there is a simple question that has not been resolved. The Chairman has assured me that what the sponsor of the amendment said is correct as to the functions of the CIA. Yet we have disclosures that imply that they do far more than gather intelligence. It seems that is not a classified matter and that it would be extremely difficult for any Member of this body to vote for or against this amendment without getting a clarification.

Can the gentleman expand in any way on this point?

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I want to point out that I am not speaking in innuendos, I am forced to speak as I do, because in response yesterday to a question from the gentleman from California (Mr. WALDIE), the chairman stated—and first I shall read the question asked by the gentleman from California:

Can the gentleman tell me in what portion of this bill those funds are contained?

Mr. HEBERT. No, I cannot tell the gentleman that.

Mr. WALDIE. Is it available so that a Member of this House of Representatives can go to the committee and examine the classified documents involving the amount of money available for the Central Intelligence Agency in this bill?

Mr. HEBERT. No, sir, it is not. The chairman takes the full responsibility of not discussing the matter further.

So therefore even if we wanted to go to the committee and wanted to examine the classified documents to get the facts, we would find that we, as Members of the Congress, not the press, but Members of the Congress, would not have that information available.

So then we go down to the bottom of the page where the chairman is asked:

What is the purpose of the CIA activity in Laos?

And the answer was:

The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

Now, if that statement is correct and that is the activity of the CIA, then that is the purpose of the amendment, and there is no conflict, but if that statement is correct then the one made today by the chairman cannot be correct also, and the two statements cannot be reconciled.

Mr. CONYERS. Then the intent of your amendment is to merely limit the Central Intelligence Agency to those activities described by the chairman?

Mr. BADILLO. Exactly, the activities of gathering intelligence described yesterday in the CONGRESSIONAL RECORD.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the House should be told that prior to the current session of the Congress there was a Central Intelligence Agency Subcommittee of the House Committee on Armed Services. During the last Congress I was privileged to be a member of that subcommittee. We acted pretty much in an oversight capacity. However, this year when the gentleman from Louisiana assumed the chairmanship of the House Committee on Armed Services he adopted a new policy.

I should not speak for the gentleman, but I think I know his motivation in formulating that new policy. He felt that no member of the Committee on Armed Services should be privy to information more delicate than any other Member, even the newest freshman is entitled. So

he did not reconstitute the CIA Subcommittee. I admire the gentleman for that, I admire his motivation.

The pending amendment brings up this point: how many is enough to oversee the activities of the Central Intelligence Agency? Is it two, 10, like it was last year, 20, or 435 Members of the House?

I know that every person in this body is an honest and well-intentioned person, but we are all people who deal in words off the cuff.

We are constantly dealing with newspaper people who are doing their job of trying to get information. So I ask you in all sincerity, would it be safe to have too many people in this political arena privy to the sensitive activities of the CIA?

I have confidence in the gentleman from Louisiana, and I have confidence in the gentleman from Illinois. If I did not have, I would introduce a resolution expressing a lack of confidence. I think that is what we ought to do if we feel that way.

Insofar as the mission is being restricted to the gathering of intelligence, I only point out, probably parenthetically, that when you are gathering intelligence in a combat situation you cannot ask a man to be in a combat area and around a combat area unless he is able to adapt himself to the environment which his job places him in.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words, and I do so just to make this statement:

I know that this amendment will be defeated, but I want to commend the gentleman from New York for his fresh ideas of reviewing some of the functions of the Central Intelligence Agency.

I frankly think that perhaps our committee can do more to really look at exactly what that agency is doing. I think by and large it is a great agency and it should be secret. But as long as it is making the foreign policy of the United States and as long as it is obviously fighting a war for us in Laos and Thailand then it should be under very, very close scrutiny. I would hope the gentleman's amendment at least brings a new awareness of the functions of this agency not only in the countries that I mentioned, but the agency does have a very, very formidable function in Vietnam.

I suppose that CIA function could be handled over a short period of time in total secrecy, but now their war has been going on for some 7, 10, and 15 years—it is all a secret how we got into this war apparently, as it would appear from the Times article the other day. It is all a secret how we are really fighting the war in these various countries. I suspect that we are going to finish it and we really will not know how many wars we have been in or really what has been done. I think we have formidable function to review this agency and I commend the gentleman again for his amendment.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to point out that this really is not a new or fresh idea. The gentlewoman from New York Edna Kelly, some 12 years ago introduced a resolution in this body asking

for an oversight committee on the CIA. I heard her begging the leadership year after year to place such a committee in effect and she pointed out repeatedly that there was a large organization that was responsible to no one.

I regret that she no longer is a Member of this body. I assure you had her idea been put into effect then, it would have been extremely helpful now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and on a division (demanded by Mr. BADILLO), there were—ayes 46, noes 172.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Title IV, General Provisions, of H.R. 8687—fiscal year 1972 Defense procurement authorization bill—is amended by adding the following new section:

"Sec. 402. The Secretary of the Treasury shall place in a special account established by him—

"(1) the amount of the funds which may be appropriated under the authority of this Act for the production or deployment, or both, of multiple independently-targetable re-entry vehicles (MIRV's), and

"(2) the amount of all appropriations made before the date of the enactment of this Act for such production or deployment, or both, which remain unexpended or unobligated on the date of the enactment of this Act.

to the extent that the sum of the amounts in clauses (1) and (2) exceed the sum of—

"(3) the cost required to complete the conversion of 16 nuclear-powered submarines to the POSEIDON missile system, and

"(4) the cost of the number of MIRV systems required to equip the launchers for the 16 nuclear-powered submarines referred to in clause (3), and

"(5) the cost of the number of MIRV systems for which appropriations were obligated on the date of the enactment of this Act for equipping Minuteman III missiles.

The funds and prior appropriations required to be placed in the special account under the preceding sentence shall be held in such account and not further obligated or expended until and unless the President reports to Congress that the Strategic Arms Limitations Talks (SALT) have not, and in his best judgment will not, provide an agreement which would enable the United States to cease further deployment of MIRV's and that continued testing and deployment by the Union of Soviet Socialist Republics of additional defensive or offensive strategic nuclear weapons systems require that such funds and prior appropriations be expended by the United States for the purposes for which they were appropriated."

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes in support of his amendment.

Mr. FRASER. Mr. Chairman, this amendment deals with the MIRV program. What is does is to take the money that has not been spent and put it into a special fund to be held until the President decides that we must move ahead with the completion of the MIRV'ing of our submarines and land-based missiles. In other words, Mr. Chairman, this amendment does not cut any funds and it does not reduce the authority of the

President to proceed with his programs, provided that sometime hereafter the President decides it is imperative that the United States proceed with the multiple-warhead program.

Mr. Chairman, the MIRV program is a weapons system in search of a rationale. The MIRV program was started some 3 or 4 years ago for one major purpose only, and that was to enable the U.S. offensive forces to penetrate an ABM system to be built by the Soviet Union. The Soviet Union has never built the ABM system for which the MIRV's were designed. The most the Soviet Union ever built was about 64 launchers around Moscow, an inferior ABM system, and then they stopped building it. For 2 or 3 years they have not made any progress. They have not gone any further with their ABM.

Yet we have been proceeding with billions of dollars in expenditures for the multiple-warhead program to overcome a defense which does not exist.

Mr. Chairman, the President announced just a few weeks ago that we are going to get an agreement with the Soviet Union to limit ABM systems. It was the expectation of the President that before the year is out we will not have any ABM systems of any size either in the Soviet Union or in the United States.

If the President's prediction proves to be true, then clearly we do not need the multiple-warhead program, and any money spent between now and then will be wasted money, wasted money that could be used for other purposes and needs here in the United States.

I am not proposing to cut out this money but simply to put it into a special account pending completion of the SALT talks, and if they fail, and if it turns out that the Soviets are going ahead with an ABM system or other offensive missiles that would compel us to resume the program, there is nothing that would prevent the President from moving ahead.

Mr. Chairman, I provide that the stoppage of the MIRV program for the submarines stops at the 50-percent level, the halfway mark. So we can put multiple warheads on 16 out of the 31 submarines which were intended to be MIRV'ed under the complete program. When the 16 submarines have the multiple warheads—and this is what my amendment would provide—we will have added 2,300 more separately targetable warheads to the submarine arsenal.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRASER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Chairman, I object.
The CHAIRMAN. Objection is heard.
Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, with the 16 submarines which I provide will be equipped with multiple warheads, and 100 Minutemen having been converted to Minuteman III, we will have added